



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307760

**Applicant Name:** Mindy Black & Kristin Scott, Weber + Thompson,  
for Murray Franklyn

**Address of Proposal:** 2205 N. 45<sup>th</sup> St.

**SUMMARY OF PROPOSED ACTIONS**

Master Use Permit to establish use for future construction of a 3-story building consisting of 3300 sq. ft. of retail at ground level and 43 apartments above and at grade. Parking for 63 vehicles to be provided within the structure in two levels at and below grade. Project includes 5540 cu. yds. of grading and future demolition of the existing structure.

The following approvals are required:

SEPA - Environmental Determination – SMC Chapter [25.05](#)

Design Review – SMC Chapter [23.41](#).

**SEPA DETERMINATIONS:**      ☐ Exempt   ☒ DNS<sup>1</sup>   ☐ MDNS   ☐ EIS

☒ DNS with conditions

☒ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

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<sup>1</sup> Early DNS published April 15, 2004.

## **PROJECT DESCRIPTION**

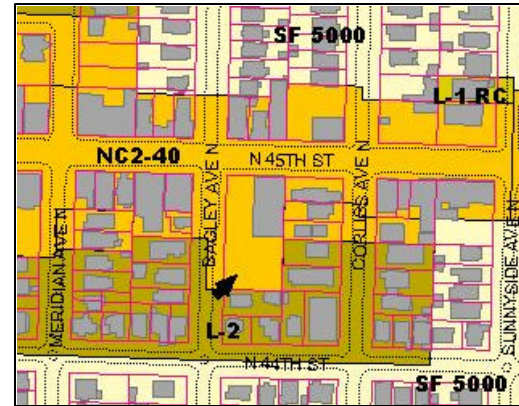
The applicant proposes a largely three-story mixed-use structure with 43 residential units and approximately 3,300 square feet of ground level commercial space. Parking is to be provided inside the structure.

## **VICINITY AND SITE**

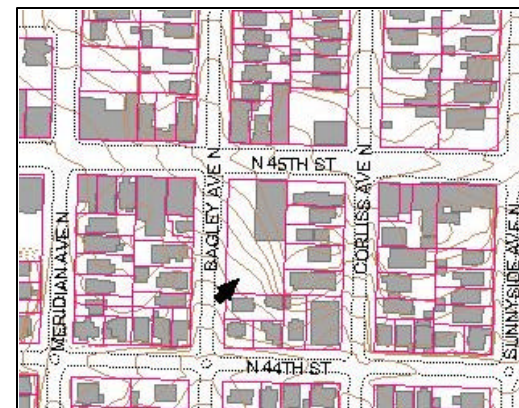
The site is located on the southeast corner of North 45<sup>th</sup> Street and Bagley Avenue North in the Wallingford neighborhood. The north end of the lot fronts on 45<sup>th</sup>, a minor arterial and the primary commercial pedestrian street in Wallingford. The longer western frontage faces Bagley, which transitions into residential neighborhoods to the south. The area slopes gradually to the south, so that most north-south streets are view axes to Lake Union and the downtown skyline. The property is located in the Wallingford Residential Urban Village.

The site is zoned Neighborhood Commercial 2 with a 40-foot base height limit (NC2-40, see Figure 1). Properties along both sides of N 45<sup>th</sup> St. to the east and west are also zoned NC2-40. To the south is zoned residential Lowrise 2 (L2). South of N 44<sup>th</sup> Street and further north across 45<sup>th</sup> Street are Single Family zones with a minimum lot size of 5000 square feet (SF 5000).

Development in the vicinity reflects its zoning, though most commercially zoned land does not approach full zoning potential, and gaps in the commercial frontage suggest that the area could experience substantial future redevelopment. The N 45<sup>th</sup> Street corridor is characterized by low commercial and apartment buildings in varying states of repair. To the west is a concentration of pedestrian-oriented mixed use structures. Nearby businesses include a muffler shop, tavern, offices, clothes boutiques, coffee shops, the Landmark Guild 45<sup>th</sup> movie theater, Wallingford Center and numerous restaurants. The applicant estimates that average shop size within two blocks of the site is approximately 5000 square feet. To the west along 45<sup>th</sup>, structures date from the teens to 1920s, while structures near the site and to the east are a more eclectic collection from the 1950s to the



**Figure 1.** Vicinity zoning



**Figure 2.** Local topography



**Figure 3.** Aerial view

80s.

The development pattern of one- to two-story buildings with little to no setback along 45<sup>th</sup> creates a strong urban edge animated by storefront windows, commercial signage and pedestrian activity. Nearby building entries are a mix of recessed, non-recessed, and a few corner entries. In most cases either canvas awnings or building cantilevers provide shelter at building entries. Few businesses provide on-site parking.

To the north and south of the corridor are predominantly single family neighborhoods, including some low residential apartments and townhouses. Buildings are wood frame structures. Most are sheathed with wood lap or shingle siding; there are a few homes of brick or stucco. Structures are generally set back to provide front yards. Alleys are not common, so driveways typically access the rear yard via a side yard.

The site measures 114' by 224', or 25,553 square feet. The site slopes gradually to the south, about fourteen feet in all (See Figure 1). No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently occupied by a single story commercial structure previously occupied by a RiteAid drug store, and decades previously by a Safeway grocery store. The remainder of the site is mostly paved, with a few small street trees along the western property line. There is an existing curb and sufficient width to accommodate full sidewalk improvements.

The site is served by public transit. Metro route [44](#) passes in front of the site along N 45<sup>th</sup> Street.

### **FIRST EARLY DESIGN GUIDANCE MEETING**

The first Early Design Guidance meeting took place on January 5, 2004, in the University Heights Community Center.

The applicant submitted an early design packet, which provides a thorough site and vicinity analysis, much of which informs this report. The packet is available for public review at the DPD Public Resource Center, located on the 20<sup>th</sup> floor of Seattle Municipal Tower, 700 5<sup>th</sup> Avenue.

Due to a series of inopportune coincidences, the applicant received no notice of the first Early Design Guidance Meeting. As a result, the applicant was not present to describe the development objectives for the site and to present the vision for the project. Lacking any proponent, DPD staff and the Design Review Board opted instead to hold a public discussion about the site and its characteristics.

### **1/5/2004 EDG: Public Comment**

Fourteen members of the public signed in at the first Early Design Guidance meeting. Comments from the meeting focused almost entirely on design considerations under the Board's purview. The Wallingford community has drafted neighborhood-specific design guidelines, intended to supplement the city-wide guidelines. Although City Council has not formally adopted these guidelines, various meeting participants drew on the draft guidelines to frame their comments. Other comments related to parking,

which DPD will address during zoning and land use review. Comments related to design review included the following:

**Commercial streetfront:**

- Emphasize the commercial streetfront
- Contribute to a well developed set of storefronts.
- Commercial space should be deeper than 30' deep, ideally to provide flexibility for a restaurant or similar larger business.
- Provide 100% of the lot width in commercial use, deeper than 30'.
- Why do we need more retail space? There's enough commercial space in the neighborhood already.
- There's a pronounced need for commercial infill to help extend the success of the pedestrian retail experience along 45<sup>th</sup>.
- This should be an infill connection.

**Sidewalk & pedestrian experience:**

- Consider a translucent canopy for the south side of 45<sup>th</sup>.
- Set back the northwest corner – provide more ample pedestrian space.
- Integrate lighting that reinforces the pedestrian experience.
- Both sides need healthy street trees.
- The whole north façade should be set back to provide for a wider sidewalk and opportunities for a sidewalk café.
- On Bagley, consider porches, arbors, and landscaped entries for ground-level residential units.
- Provide “pedestrian friendliness”: a wider sidewalk, like at the site recently occupied by the Good Day Coffee Center. Agree with the idea of setting back at the corner.
- Provide pedestrian amenities along Bagley.
- Please provide front yards on the Bagley side: continue the setbacks currently provided further to the south, 15' would work well.
- Consider a cobblestoned corner – not a loitering space, but a gathering space.
- Please provide more sidewalk.
- Please provide as much landscaping as possible.

**Architectural concept and elements:**

- Building concept should have a base, middle and top. Middle should be “calm”, top should be “distinctive”.
- Please use traditional vertical windows for residential facades.
- Please use high quality materials, such as brick.
- Storefront should include kickboards and segmented, multi-paned windows.
- Concept could involve at least two distinct, attached buildings: one fronting 45<sup>th</sup>, and another fronting Bagley.
- Two separate characters might be schizophrenic: any two styles must work together.
- Please, no internally lit box signs.
- For both the proposed residential walkups on Bagley and pedestrian commercial streetfront, consider the character and “older feel” of more established areas in the neighborhood.

- Consider craftsman features, no stucco please.
- Respond to the 1900-20s Craftsman styles.
- Consider materials that are graffiti resistant.

**Height, bulk & scale:**

- This site is unusual, because the commercial zone extends deep into the adjacent lowrise zone to the south – consider stepping the building down toward the residential area.
- A four-story structure would be out of context.
- Allowing sunlight for the north side of the street is important.
- Please provide a solar access diagram.
- Bothered by tall and dark corridors of lower Queen Anne. Greenwood has a similar feel. Avoid the long tunnel effect. Consider staggering away from the street.

**Vehicle Access:**

- Locate the parking entrance between the active commercial space and the quieter residential area. Don't locate parking entrance at the south side of the lot.
- Limit vehicle access from Bagley.
- Design as small a garage opening as possible.

**General:**

- Consider the children living in close proximity to the site.
- Design within the overall neighborhood plan [and the draft neighborhood guidelines].
- Please bring examples of similar work to the next meeting.
- Pleased that the developer wants to invest in this site. Think this could be a real asset to the neighborhood.

DPD also received one letter from the community, expressing support for the project and interest in design of a pedestrian-oriented retail space on this site.

**SECOND EARLY DESIGN GUIDANCE MEETING**

The second Early Design Guidance meeting took place on February 2, 2004, in the University Heights Community Center.

**2/2/2004 EDG: Applicant's Presentation**

Mindy Black and Kristin Scott of Weber+Thompson Architects presented the project proposal. The architects described the site and vicinity, referring to much of the information presented above. Ms. Black called attention to the diversity of building types and architectural styles in the neighborhood, ranging from contemporary, to pre-WW2 era, to the fanciful façades of nearby theaters. She noted the neighborhood's strong urban edges framed by awnings and signage projecting over the sidewalk. The architect also described how residential yards create a transition from private homes to public sidewalks and streets, and noted various successful strategies in evidence along nearby blocks.

Ms. Scott expressed regret that circumstances had prevented their participation in the first EDG meeting, and explained that the design team had integrated into the updated design concept several ideas relayed from the meeting. She discussed the building concept, identifying several priorities that have guided the design thus far.

Providing ground-level residential space and residential entries is a high priority on both the east and west façades, so that sidewalk and pathways engage with active living space rather than the blank walls of parking garages. The goal is not to maximize residential density on the site, but rather to provide a “loft-style” aesthetic with open floorplans and higher residential ceilings than are customary for mixed use structures. Each residential unit must have ample light and connection to outdoor spaces. The building should have continuous pedestrian-oriented frontage occupied by viable businesses, about 38' deep, along 45<sup>th</sup> St, to fill in the “missing tooth” currently presented at this site.

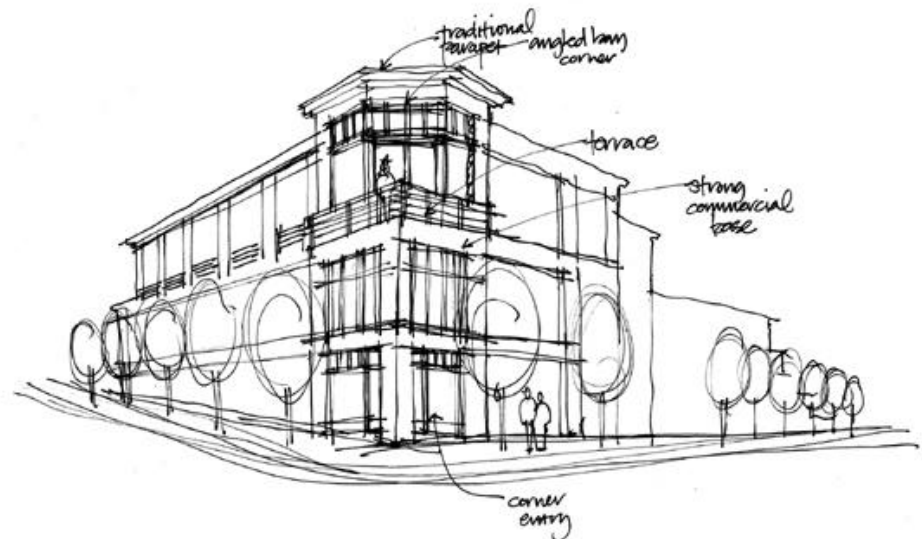
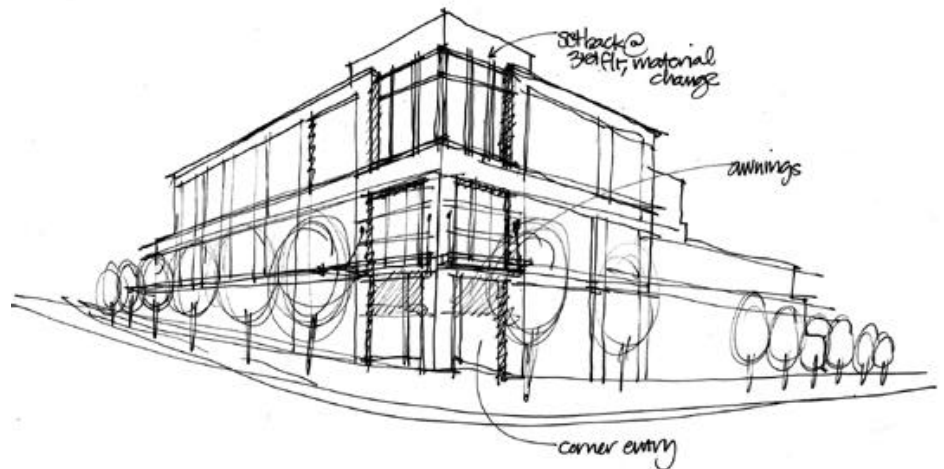
The resulting concept is a three-story structure composed of two building components: a more commercially oriented component facing north, and a more residentially oriented component facing east and west on the property's south side. Parking would be inside the structure on two levels, set back sufficiently to allow for residential entries to the east and west, generous landscaping, as well as potentially substantial savings in grading and shoring costs. Siting involves a 4' building setback on the north side, providing for a wider, more gracious sidewalk space about 16' deep; a residential setback along Bagley ranging from 9' to 12', a landscaped “mews” on the east side about 17' wide, and a 5' landscaped setback at the south side adjacent to a 20'-wide access drive. The upper level would cover about 50% of the site, so the structure would step down significantly toward the south, presenting a wide south-facing rooftop terrace and a low wall approximately 0'-6' on the south side. The applicant proposes two driveways along Bagley: a narrower access toward the north half, between the commercial and residential portions of the project, and a wider access toward the southwest corner of the property.



**Figure 4.** Concept sketches of the commercial façade and entry to the residential “mews”.

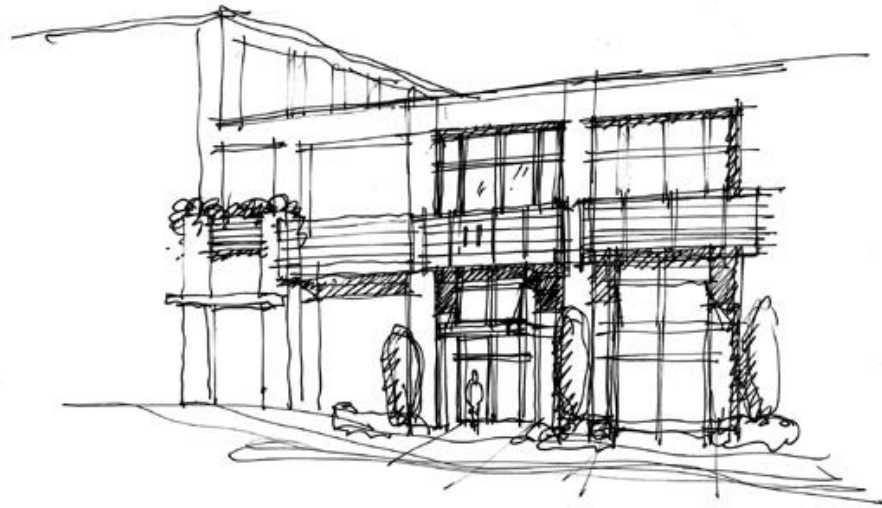


**Figure 5.** Concept sketches of the building's northwest corner.





**Figure 6.** Concept sketches of the residential façade facing Bagley Ave N.



The architect discussed a variety of façade concepts, illustrated above: the northern commercial façade (Figure 4), the northwest corner at 45<sup>th</sup> and Bagley (Figure 5) and the west-facing residential façade (Figure 6). Architects welcomed feedback from the Board and public to refine design priorities. Concept studies experimented with building materials, modulations, and horizontal and vertical expressions of the design's principal lines.

The architects also presented a solar study to identify shadows cast by the proposed massing at various seasons and times of day. Generally, shadows are cast to the north, and typically do not reach as far as the opposite sidewalk. The architect expressed an objective to provide translucent overhead weather protection that would maximize solar access on the south side of 45<sup>th</sup>. Shadow diagrams are available for review in the project file.

**2/2/2004 EDG: Clarifying questions by the Board:**

Board members complimented the design team on a thorough presentation that clearly considered and integrated the guidance provided at the first meeting.

*Does the design involve any departures?* None currently requested.

*Describe the proposed parking entries.* Two entries off Bagley: one about 20' wide, located toward the site's southwest corner; another about 12' wide, recessed behind the commercial component's western façade.

*Does the design locate a wall on the south side, south of the vehicle ramp?* Yes. Height would range from 0'-6' tall.

*Where would you locate the main residential entry for the upper units?* On Bagley, midway along the residential façade. Propose a canopy to articulate that entry.

*Characterize the proscenium proposed for the northeast corner.* A "portal" leading to the residential mews along the eastern wall. A dignified buffer from the active sidewalk to the more peaceful mews. Reminiscent of openings to courtyards or other similar private space in New Orleans, San Francisco. Intensive landscaping will line the east property line to buffer against the current muffler shop.

*How will the mews be designed adjacent to the commercial space?* Might be a place for a tenant to spill into a more public space (sidewalk café, outdoor sales display, etc), or might just be a forecourt to the residential entries. Must be secure in either case.

*How much commercial space is proposed?* 3,400 sq.ft., up from 2,750 originally considered.

*How would garbage and recycling be removed from the commercial and residential spaces?* Waste storage would be located inside the structure, with an access for waste removal on the east side, between the commercial and residential spaces, via the portal entry.

**2/2/2004 EDG: Public Comment**

Fifteen people signed in at the second Early Design Guidance meeting. Comments related largely to design, with some clarifying questions related to residential unit counts, condominiums vs. rentals, etc. DPD also received several letters from neighbors, offering many design-related comments. Comments related to design review included the following:

**Response to guidance:**

- Congratulate the design team for being so responsive to previous concerns. Various design vignettes show you've put a lot of thought into it.

- The drawings are very helpful. Hope for future opportunities to provide neighborhood feedback.
- The presentation looks great. Looks like you have a good client, very encouraging.

### **Architectural concept and neighborhood context:**

- This is a very important site, on Wallingford's "frayed edge".
- Please blend the design with the character of the neighborhood.
- Is there a way to find a mix of traditional main street architecture and the bungalow homes with modern architecture? Looks like the project has a good start at it.
- Give it architectural interest. Build it to last.
- Take care with the townhome concept. It's not a typical style in Wallingford.
- Complement existing character of nearby early 20th Century structures.
- Good project examples and elements: Johnston Architects' [Fremont Lofts](#). It has northwest-looking materials of board and batten, wood trellis, transparent covered metal awnings. Bohlin Cywinski Jackson Architects' [Issaquah Library](#) – Main Street elements along first floor street elevation are interpreted in modern design with a mixture of concrete, wood, and metal.
- The brownstone walk-up idea along Bagley shows promise.

### **Siting and massing:**

- Consider stepping each story back on the north side, so that it doesn't seem so tall.
- Like the setbacks as proposed.
- Give careful consideration to modulation.
- Really like the mews concept. Need to carry the portal edge back to Walt's to complete the northeast corner and give it substance.
- I agree with comments at the meeting that the mews entrance elevation should wrap around to the south.
- 9' to 12' setback along residential portion of Bagley is substantially shallower than yards provided by homes to the south.
- 9' to 12' does not seem to provide space for any significant, protected terrace/yard and does not provide much commonality with the residences to the West or South.
- 4' setback from the north is good, but a visual event is important at the 2nd story, some expression to give the building a strong 2-story base.
- Provide more than 4' setback on the north side.
- Although the architect has shown an additional four foot setback on 45th Street, an additional four feet would offer greater opportunities for pedestrians and increase the pedestrian friendliness of the building, an important aspect in this retail sector of the neighborhood.
- Increase ground level setback to accommodate wider (18') sidewalks with integrated, continuous well-lit overhead cover along 45th Street.
- Create setbacks on Bagley to allow space for front yards and porches to replicate neighborhood across the street and to match setback of houses to the south in the block. (Project on east side of Meridian between 44th and 45th Streets.)
- Integrate telecommunications and rooftop systems into design so as to be essentially invisible
- Very large south deck, too large even for residents to use? What is the purpose for this?

**Corner treatment:**

- Orient the entrance to the building on the corner using hinge, bevel, notch, open bay or setback. (Julia's @ 44th/Wallingford).
- Perhaps pull back the corner a bit to let light to the east end of the 45th facade?
- Of the three corner vignettes I liked option #2 with the reduced corner tower. It seems to recognize the shorter two story scale of most of the street. Taller towers in #1 and #3 bring to mind the larger corner buildings in the heart of Lake City at 125th, NE corner of Roosevelt and 45th, downtown Fremont building with neat metal sculpture. This corner doesn't seem ready for these taller towers, but maybe OK if really done well.

**Materials:**

- Prefer brick on Bagley, 45th. If you use CMU, let it be "really cool" CMU: split face, textured.
- Materials preferred = brick, monster or large brick, please not typical CMU. Darker colors with texture? Brighter accent colors - reds, ochres, deep browns?
- High quality materials throughout (all floors) of brick, masonry, tile.
- High level of detailing and trim, especially on ground floors.
- Façade should complement traditional brick architecture of neighborhood with multipane windows set in wall structure (no all glazed curtain walls).

**Commercial space:**

- Provide commercial along 100% of 45th Street with more than 30 foot depth to allow flexibility for users who need larger space.
- Subtle lighted signage. Indirect lighting of sidewalk under canopy. Add pedestrian scale pole lighting. Benches incorporated into sidewalk landscape design.
- Large divided store front windows with solid kick panels below windows on street front.

**Parking entries:**

- Minimize parking entrance opening on Bagley by setting back entrance to enable site triangles with narrower opening.

**Landscaping:**

- Since underground garage is also set back from the property line, we look forward to real trees in the setbacks.
- Consider creative landscaping where the sidewalk and planting strip bulb out to the south along Bagley.
- Landscape lush throughout.
- Show landscaping on south and east visible to streets so we public can enjoy too, landscape planters on decks for all to see green

**Sidewalks:**

- Allow light access to the sidewalk by installing glazing in the overhead weather protection.
- Good to hear about transparent awnings to let light into the north shady street side.
- Create sidewalk bulb to provide more pedestrian friendly environment on corner

- Provide wide sidewalks, opportunities to sit, special amenities like benches, planters, pavement surfaces.
- Street trees = [Raywood Ash](#) like elsewhere on this street or other? Crosswalks please?
- Bagley Ave: Large street trees, additional ground cover, and shrub planters too?
- Pedestrian plaza amenities to tie in with any future 45th Street plans. I recall seeing a drawing that proposed closing the north leg of the intersection of Bagley and 45th and turning into a plaza. If this has been adopted by any city policy could this project tie into that at all?

## **RECOMMENDATIONS MEETING**

The Design Recommendations meeting took place on May 3, 2004, in the University Heights Community Center. Four Design Review Board members attended; two were absent.

### **5/3/2004 Recommendations: Applicant's Presentation**

Mindy Black and Kristin Scott of Weber+Thompson Architects presented the updated design. The architects described the site and vicinity, referring to much of the information presented above. They also presented a digital model, providing views of the project from the perspective of a pedestrian walking around the site.

The site slopes about 14 feet from northeast to southwest. The design steps down with the topography, presenting a largely 3-story façade along Bagley, except for one segment that presents a limited 4-story profile. The Bagley streetfront incorporates walkup residential entries along most of the facade and two vehicle parking accesses. The design envisions two retail entries at the commercial façade. The east-facing façade relates to a semi-public plaza behind a formal gateway, and a more private residential entry to an open landscaped corridor beyond. The south façade faces an exterior ramp to sub-grade parking.

The updated design shows marked transitions from the detailed brick and storefront windows of the commercially oriented north façade to the horizontal lap siding of the more residentially oriented east and west façades. The design team characterized the architecture of the whole building as a “contemporary Northwest style, not as edgy as the Wallingford [library](#)” (1501 N. 45<sup>th</sup> St), but related to its more traditional context.

The design incorporates tile along the kickplates beneath the commercial windows. Proposed canopies will be of metal with glass insets. The proscenium entrance will integrate a metal trellis arranged in an organic motif. The project developer has proposed to integrate local artwork into the brick façade by issuing a Request for Proposals (RFP). Proposed lighting is designed to wash the commercial columns, and globe lights are positioned to illuminate walkup residential entries at the ground level.

The project's landscape architect presented the landscape design, identifying plantings that define the various stoops along Bagley, with ornamental plantings provided as an entrance feature, and evergreen



shrubs to signal privacy while maintaining visual connections with the sidewalk. Flowering trees, such as pear, crabapple, and native redbuds are proposed, as well as a two-color black gum, emphasizing a variety of colors and fragrances over the course of the year. On the east side, where ambient light is lower, the design identifies white flowering plants, a deciduous hedge, and a fragrant Mexican orange and flowering dogwood. Tree plantings include empire ash and a columnar beech species.

The applicant responded to the original design guidance. The architect's design responses follow the guidance summarized under "Board Deliberations" beginning on page 15.

### **5/3/2004 Recommendations: Clarifying questions by the Board:**

*Please clarify the proposed siding on the east and west residential sides.* Metal siding would be too cold – the design team chose instead to provide a 4" lap as the primary material, paired with a smooth wood hardipanel.

*Do you propose to attach panels with screws?* Reveals will be expressed.

*What is the height of the design's commercial space facing the mews?* 10.5' to the ceiling at that point.

*Do you propose to cap the lap siding with cornerboards?* Propose a narrow 2"-wide cornerboard, painted the same color.

### **5/3/2004 Recommendations: Public Comment**

Five people signed in at the Recommendations meeting. Comments related to design review included the following:

- Interested in the proposed kickboard material. *Concrete with decorative tile.*
- Compliment the design team for their choice of materials. The brick is good.
- Concrete is hard to finish. At a minimum, it should be painted.
- The design should provide some detail at the very top – something to cast a shadow.
- Southeast corner is a great corner – this could be a space for one or two big trees.
- At the northwest corner, the pilasters are kind of lost in the façade – they don't read as strongly as the commercial side, and they seem out of place here.
- Consider a bollard at each unit's entry, at the sidewalk – see whether Seattle Department of Transportation (SDOT) is amenable.
- Let the bay windows define each unit, instead of the pilasters.
- Consider expanding plantings into the right of way to expand the sense of a deeper front yard.
- Generally, a good, quality building.
- South driveway is wider than it needs to be. Consider narrowing it to 20'.
- Will dumpsters be screened? *Contained in the structure, accessed off the mews.*
- Pilasters read as heavy.

- Narrow the driveway to provide more plantings.
- The architecture expresses a rhythm, and the pilasters present a solid form that might provide privacy between units. Like the brick on Bagley.

## **BOARD DELIBERATIONS**

After visiting the site and hearing public comment, the Design Review Board members provided the design guidance and recommendations described below, and identified by letter and number those design guidelines of highest priority to this project, found in the City of Seattle's [\*Design Review: Guidelines for Multifamily and Commercial Buildings\*](#). This report summarizes guidance and recommendations from each meeting beneath its respective set of priorities.

### **A. Site Planning**

#### **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

#### **A-3 Entrances Visible from the Street**

*Entries should be clearly identifiable and visible from the street.*

#### **A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

#### **A-5 Respect for Adjacent Sites**

*Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

#### **A-6 Transition Between Residence and Street**

*For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

#### **A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

#### **A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

#### **A-10 Corner Lots**

*Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

## **Guidance – Site Planning**

**First meeting:** The Board stated that maintaining the continuity of a vibrant pedestrian retail environment along 45<sup>th</sup> is a high priority. The Board urged the applicant to provide a continuous commercial frontage occupying 100% of the site. Further, this commercial space should be deep enough to allow for greater use flexibility – such as a kitchen associated with a restaurant.

**Second meeting:** The Board identified several elements of the conceptual design that work well, and which have strong Board support: a wider sidewalk space for pedestrians on 45th, a recessed commercial entry at the corner, deeper commercial spaces, visually obscured parking and active residential engagement with the street, and the idea of the 17' mews.

Board members felt it was important that the commercial space be flexible enough to allow two or three separate businesses. Detailing of the commercial front is very important: it should articulate the façade.

The Board advocated great care in designing the mews entry, and recommend that the portal façade wrap the corner and extend at least as far as the current muffler shop's northern wall. They encouraged the architect to create a way for the commercial space to spill into the mews.

The Board expressed skepticism related to the proposed 9'-12' setback along Bagley. They identified this façade as “an important and visible face to the neighborhood”, and advised that their future review would focus heavily on the scale of this façade and the details of the individual townhouse entries. They urged the architect to study this area in detail, providing greater front setbacks for townhouse entries if possible. They also noted that it may be possible to make creative use of the wide planting strip along the southern half of the site.

The Board encouraged the applicant to consider reducing the width of the curbcut, driveway, and garage entry at the south while addressing access and safety needs. They also requested that at the next meeting the architect show design strategies for reducing noise and odor issues related to mechanical ventilation of the garage.

**Architect's design response:** “Streetscape Compatibility. The building is sited to acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way. The commercial front along 45th provides a visually continuous presence for the full lot frontage by creating a public portal to a large open courtyard at the north end of the mews, which returns to the south wall of the muffler shop. This frontage is setback five feet at the 45th property line to match similar existing commercial structures and provide adequate room for pedestrian circulation. The commercial area is also provided with an increased depth than the zoning recommendation to provide sufficient flexibility for a variety of uses found throughout the neighborhood. The Bagley facade provides varied setbacks as the building modulates from commercial to residential uses. The commercial base is inset to provide a soft corner then pulled out to create a transition façade to the larger 9'-6" and 12' residential façade setbacks along

Bagley. This is consistent with the adjacent L-2 zoned structures, which range from 11'-18' setback from the property line.

“Entrances Visible From the Street. Building entrances are clearly identifiable and visible from the street through the use of varied architectural elements and detailing. The primary commercial entry located on the corner of 45th and Bagley is articulated both at the base with a portico for pedestrian circulation/entry, through bay proportions are taller and narrower than the typical building module, and emphasized by a increased parapet height at the roofline. Additional commercial entries can be incorporated into the storefront bay module and window system and the plan proposes one such entry next to the mews portal. It is unlikely that the 3,400 square foot space would be divided into any more than 2 spaces. A narrowing of the bay module, an increase in the amount of brick material on a residential facade, a two-story volume, entry canopy and plinths framing the doorway identify the residential entry. A brick portal defines the mews entry with decorative metal work leading to a large open courtyard.

“Human Activity. The building siting with setbacks along all property lines creates multiple opportunities at varied scales for human activity. The widened sidewalk at 45th with overhead canopies, large storefront glazing areas, the recessed corner portal as well as the courtyard at the mews create opportunities for commercial uses to engage the public or occupy the exterior space. The residential use has many entries other than the primary lobby that will create opportunities for residents and their guests to circulate to and from the building at several different locations including the mews and the 7 two-story town homes along Bagley. These entries are developed as terraces, which can also be used as stoops by residents. Parking garage entries are separated to reduce the frequency of trips from any single entry, recessed into the building, and pulled away from pedestrian areas to minimize their impact. Two and a half times more landscaping than the zoning code recommends is provided around the site to screen garage doors and driveways, and provide shade and shadow for the residential use.

“Respect for Adjacent Sites. The unique setbacks, discussed above, located at all property lines help provide open space, privacy, reduce potential impacts to views and solar access of adjacent uses. The setbacks are carried through the height of the structure with floor levels stepping back from the south end of the site to reduce scale impacts to the less dense L2 zoned properties. Additionally, exterior areas for residential use are landscaped to provide reduced visibility from adjacent properties.

“Transition between Residence and Street. The townhouse terraces and landscaping along Bagley provide a 15' depth from the edge of sidewalk to the closest bay projection, which is two stories tall, for transition from the public to private spaces. An additional 6' wide parking strip at the south half of Bagley will be lengthened, fully landscaped and integrated with the site for additional transition to the street.

“Residential Open Space. The residential open space is located entirely at-grade to be an amenity to the building users as well as the general public. It has been designed to provide articulation between public and private open space. The open space along Bagley is divided into public, semi-public and private realms through the use of paving and textured landscape areas that will be usable by the grade

related town homes. The mews open space is comprised of private terraces fronting a garden screen designed to provide visual, auditory and olfactory delight to all tenants and adjacent properties. Plants were selected for their ornamental qualities and preference was given to those that are drought tolerant and low maintenance.

“Parking and Vehicle Access. As mentioned above, the parking is primarily hidden under the building and behind the town homes along Bagley. Where entries and drives are exposed they have been reduced to the narrowest width allowed in order to minimize visual impact to the public environment and adjacent properties, and provide for pedestrian safety. Garages will have overhead doors for security and to reduce noise and light emission onto adjacent properties. The two volumes of parking will be linked internally by a 5' slot between the stepping floor plats to allow for natural ventilation of the garages. The lower level garage door will be louvered to admit intake air. This air will be circulated to the rear of the garage where the warm air will rise through the floor plate separation to the upper garage level. The upper level will have openings for exhaust at the louvered garage door as well as at a louvered screen at the south end wall. The south end of the site facing the louvers will be planted with a dense holly bush for screening.

“Corner Lots. The commercial corner has been designed to respond to the local pattern of corner commercial entries with their distinctive 45 degree entry doors, special parapet modulation and a distinctive accent tile. Vehicle access is kept to Bagley and primarily oriented away from the corner.

**Board recommendation:** The Board recommended that DPD allow a column as a minor encroachment into the sight triangle of the northern vehicle access, in consideration of the reduced scale of the garage entry. The Board complimented the design team for successfully integrating substantial early design guidance into the updated design.

## **B. Height, Bulk & Scale**

### **B-1 Height, Bulk and Scale Compatibility**

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

### **Guidance – Height Bulk & Scale**

**First meeting:** The potential zoning envelope for this relatively large site represents a building mass that is of concern to both the public and the Board. The Board stated that the upper level of the building should step back from the north and south sides, and the southern portion of the east façade. On the north side, the applicant should provide a solar access diagram that shows how the proposed massing would affect the sidewalk on the north side of 45<sup>th</sup>. Contact the DPD planner to discuss study criteria.



**Second meeting:** The Board was highly complimentary of the massing and scale presented in this design scheme. They supported the strong two-story expression along 45th, and noted that the scale of the proposed 45th Street façade concepts appears to work well.

**Architect's design response:** 'The building is designed to have subtle variation rather than a Disneyland effect. It is organized into two primary bars consisting of one rectangular block stretching east to west and responding to the commercial frontage at 45th and the other running north to south and responding to the residential character of Bagley. The commercial wing provides a 3-story anchor from which the residential wing extends south stepping back at the roofline from the adjacent properties as the topography drops. The massing, materials, and detailing of different building elevations and uses are handled in different yet compatible ways. The massing of the commercial frontage is in keeping with simple plainer buildings of the neighborhood with materials providing detail and differentiation between the building base, middle and top rather than facade shifts. The primary material at the commercial facades is brick with accents of metal and tile and storefront windows act as infill to the building structure. The smaller scale standard brick provides a two-story base while a longer lighter-colored brick provides a top floor that appears to recede from the street façade. Variety is provided in parapet height to prevent the facades from developing a static appearance and to clarify the "reading" of the organization of the building. The residential facades are organized with an emphasis of breaking down the wall plane utilizing bays, setbacks, creating rhythms of elements, patterns and material changes. Brick is de-emphasized and more wood and metals are used to highlight residential façade elements and proportions. The window proportions are more vertical than those of the commercial façade.

**Board recommendation:** The Board recommended that the applicant explore with DPD staff the options for placing low walls or bollards to define individual residential yards and entries along Bagley.

## C. Architectural Elements and Materials

### C-1 Architectural Context

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

### C-2 Architectural Concept and Consistency

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

### C-3 Human Scale

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

#### C-4 Exterior Finish Materials

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

##### **Guidance – Architectural Elements and Materials**

**First meeting:** The Board agreed with public comment related to the importance of responding to favorable neighborhood character. They strongly encouraged attention to materials and detailing appropriate to the area. They also requested that the architect show a concept that responds to the established pattern of two-story commercial façades along 45<sup>th</sup> St. to the west and across the street. The Board suggested that a setback of the top two stories could help to achieve this continuity.

The two distinct functions of the structure – commercial streetscape to the north and residential west-facing entries to the south – suggest that two distinct building forms would be appropriate for the site. The Board recommended that the architect explore two styles that complement each other.

**Second meeting:** The Board responded to neighborhood concerns about how the project would “fit in” with its vicinity, noting public comments about “turrets and townhomes” as potentially inconsistent with more traditional neighborhood styles. They encouraged the architect to identify a clearly cohesive context in the neighborhood and draw from it. They advised that the Board would focus on façade design expressions at the recommendations meeting, and felt the project had gone in a good design direction thus far.

Board members drew attention to public comments related to design elements of the commercial façade, such as kick panels, segmented windows, and offset lighting. They strongly encouraged the use of brick along the commercial front.

Board members requested that the architect articulate some ideas for signage at the next meeting.

**Architect’s design response:** “Architectural Context. The project is designed to respond to the established pattern of two-story commercial facades along 45th to the west and across the street as well as the residential neighborhoods to the south. The commercial façade is detailed so that it has a two-story expression, complete with base middle and top components within a three-story façade. Storefront windows with kick panels, transom windows, and a sidewalk canopy create the commercial base with brick pilasters raising the two-story height to a simple brick cornice accented by decorative tiles. The third story is a lighter brick color that will recede from the façade and has more simplified detailing from that of the lower two floors. Features, materials and proportions such as entry stoops to units, bay windows, vertically proportioned windows, brick, wood panel and lap siding, and metal are included at the residential facades to reflect the characteristics of the surrounding residential neighborhood.

“Architectural Concept and Consistency. The building is conceived as an older commercial structure with a residential component inspired by the qualities of loft housing for above-grade flats and town

homes for grade-related units. The commercial context contains buildings of simple massing, straightforward detailing, and durable materials. The residential homes in the neighborhood provide openness of floor plans, taller ceilings than more modern homes, entry porches that reach out to engage the sidewalk, and quality craftsmanship exhibited by their age.

‘Human Scale. Human scale is incorporated into the building through the use of building elements at the building base such as bays, pilasters, canopies, and terraces to break down the building walls, in the small dimension of the finish materials which provide texture and pattern, and through extensive landscaping.

‘Exterior Finish Materials. The façade materials have been chosen for their durability as well as architectural expression. The commercial façade is brick, detailed by field, header sill and capital expressions that are both suggestive of the traditional commercial and residential buildings of the neighborhood and establish a solid textured base. The residential facades use cementitious products to simulate wood patterns in both panels and lap while providing greater durability than traditional wood siding. The narrow rib metal panels provide the tight horizontal pattern often found in older homes with wood siding that is difficult to re-create with modern siding materials.

**Board recommendation:** The Board strongly supported the developer’s proposal to issue an RFP for artwork to be integrated into the brickwork of the commercial façade. The Board recommended that the design incorporate such a feature.

## **D. Pedestrian Environment**

### **D-1 Pedestrian Open Spaces and Entrances**

*Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

#### **Guidance – Pedestrian Environment**

**First meeting:** The Board specified that the site should be designed to provide ample space for pedestrians at the sidewalk, wider than the existing sidewalk on 45th. The Board suggested that a wider, well designed sidewalk on the north side would be an appropriate design feature that could help offset any requested departures for reduced residential open space.

**Second meeting:** Board members expressed strong support for the wider sidewalk space, stating that 16' is their performance standard.

**Architect’s design response:** ‘The building is setback 5' at the commercial façade along 45th to provide ample pedestrian space of 16' per the review board’s request. Canopies extend out over this

5' setback along 45th and turn to cover one bay along Bagley. The commercial entry is further recessed at the corner to provide for additional pedestrian circulation. Down lights at the first level of the commercial pilasters will illuminate this architectural feature as well as the sidewalk. The corner entry will have lights recessed in the ceiling structure. The residential entry is setback 9' and centered along the sloping Bagley frontage but provided with an 8' wide level access walk. Grade related units have opportunity for private entries and habitable yards from the sidewalk.

**Board recommendation:** The Board provided no further recommendation, and complimented the design team for the thoughtful open space design adjacent to sidewalks.

## **E. Landscaping**

### **E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

#### **Guidance – Landscaping**

**First meeting:** The Board provided no specific guidance regarding landscaping, other than to state that landscaping is an important component of any residential street-level entries along Bagley.

**Second meeting:** The Board requested that the architect prepare a colored illustrative landscape plan for the next meeting, to provide a better understanding of relationships between paths, entries, and yards. “Poof it up”: landscape jargon for “provide rendered sketches showing volumes and textures in relation to each façade”. They also expressed an interest in seeing the design of the rooftop deck.

**Architect’s design response:** “Landscaping is designed to reinforce the character of neighboring properties and streetscape through; the extension and incorporation of the site landscaping out the sidewalk edge and into the parking strip, vegetation is used as soft privacy screening at interior property lines rather than fencing, setbacks of the building create areas unique to this building type in which large areas of landscaping can occur at the building perimeter, grade-related units have terraces acting as a transition area between the public and private property which are defined by landscape planters and streets.

**Board recommendation:** The Board recommended that the landscape design incorporate a tree at the southeast corner, and they recognized that views at the corner might be a concern. A tree of a scale with a flowering dogwood would be appropriate here.

## **DEPARTURE FROM DEVELOPMENT STANDARDS**

In response to guidance and recommendations by the Design Review Board, the applicant has located a column in each of the sight triangles required by SMC [23.54.030 G](#). The columns have the visual effect of diminishing the perceived width of the garage entrance. As proposed, the columns would be 2'8" square, and at the most conservative angle would obstruct 53% of the field afforded by the required sight triangles. In consideration of a wider sight triangle to the south, and a mirror facing north, DPD considers the proposed design to have addressed any safety concerns related to the modified sight triangles.

## **DECISION – DESIGN REVIEW**

The Director concurs with the recommendations of the Northeast Seattle Design Review Board, delivered May 3, 2004, subject to the conditions listed at the end of this report.

## **ANALYSIS – SEPA**

DPD requires a State Environmental Policy Act (SEPA) analysis for a development of more than four residential units in a Neighborhood Commercial zone, according to Director's Rule [23-2000](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on March 24, 2004. DPD received letters from ten neighborhood residents. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation", subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the



street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

**Air and environmental health.** Given the age of the existing structure on site, it may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections [25.05.675 A](#) and [F](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the project’s anticipated adverse air and environmental health impacts will be adequately mitigated.

**Construction noise.** Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to the residential uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted.

The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or his successor). Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be considered only when the owner(s) and/or responsible party(ies) provide three (3) days prior notice to allow DPD to evaluate the request. See Table 1 and Condition #7, below.

**Parking.** The site abuts N 45<sup>th</sup> St, a busy arterial leading through the Wallingford neighborhood business district. Parking is provided on the south side of N. 45<sup>th</sup> St, though it is currently limited by wide curbcuts. The three remaining sides of the subject block are within Residential Parking Zone ([RPZ](#)) 5, where on-street parking is available to the general public all day, except from 5pm to midnight. Along the south 2/3 of Bagley Ave N, between N 44<sup>th</sup> and N 45<sup>th</sup> Streets, parking is available on the west side of the street only. Periodic visits by DPD staff to the site indicated that on-street parking in this neighborhood is adequately available on weekdays during daytime hours, when most construction work is to occur. A 1999 [parking study](#) also indicated that on-street parking is typically available within a block of the subject site. Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. The site is large enough to accommodate worker parking and machinery, when construction of the garage has been completed. If construction-related parking is

located onsite when possible, then likely parking impacts are not sufficiently adverse to warrant further mitigation.

**Construction Vehicles.** Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The subject site fronts 12<sup>th</sup> Ave NE, close to NE 45<sup>th</sup> and 50<sup>th</sup> Streets, and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC [11.62](#). This immediate area is subject to traffic congestion during the PM peak hour, and large trucks turning onto NE 45<sup>th</sup> and 50<sup>th</sup> Streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted. For the duration of the grading activity, the applicant/responsible party shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity (Condition **#Error! Reference source not found.**). As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g. increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to the new commercial space and new residences; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; loss of vegetation; and increased energy consumption.

The likely long-term impacts are typical of this scale of neighborhood commercial development, and DPD expects them to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). However, more detailed discussion of some of these impacts is appropriate.

**Parking.** According to letters from neighbors, on-street parking in the vicinity is in short supply at peak evening hours. The existence of a Residential Parking Zone (RPZ) along Bagley Ave N and other nearby streets also indicates that parking supply is constrained. The use of on-street parking is

restricted by the RPZ in the evenings, between 5pm and midnight. Parking demand is high during evening hours because of popular nearby businesses, such as a movie theater, tavern, and restaurants. Currently the site apparently absorbs some of this demand, in that patrons of nearby businesses use the site informally for short-term parking. When neighbors identified nearby businesses whose clients apparently use the site, DPD staff researched the permit history of their respective sites. This research showed no formal parking covenants or other agreements associated with the site. However, the proposed development likely does constitute an intensification of parking demand over existing conditions.

The applicant proposes 63 parking spaces on site for customer and resident use: 59 are specifically devoted to parking for residents, two (2) are exclusively devoted to commercial tenants, and two (2) are to be shared during evening and nighttime hours. At peak evening hours, DPD considers 1.5 spaces per residential unit to be a reasonably conservative measure of projected peak demand. Forty-three (43) units, multiplied by 1.5, results in a peak demand of 65 parking spaces. It is reasonable to conclude that the proposed development will generate spillover parking of four (4) vehicles (65 minus 59, minus 2 shared commercial stalls) during peak evening hours. An evening site visit by DPD staff, and data associated with a 1999 [parking study](#) indicate that during peak evening hours, nearby on-street parking supply is not yet at capacity – likely due in part to parking restrictions of the RPZ. DPD therefore determines that the projected spillover parking will not constitute an impact warranting mitigation.

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities, loss of vegetation) are not sufficiently adverse to warrant further mitigation by conditions.

**Traffic.** Although the existing structure is currently vacant, the permitted use on the site is a multipurpose retail convenience store. DPD staff compared peak hour trip generation statistics related to a drug stores approximating the development with figures that approximate trips generated by the proposed development at peak evening hours. DPD concluded that any difference in peak hour trip generation is likely to be negligible.

**Historic preservation.** The applicant submitted to the Department of Neighborhoods (DON) a preliminary analysis of the existing structure slated for demolition, for purposes of determining its status as a potential landmark. DON staff determined that landmark status would be highly unlikely in this case.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the

requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

### **CONDITIONS – DESIGN REVIEW**

The following Design Review conditions 1-3 are not subject to appeal.

1. The applicant shall update the Master Use Permit plans to reflect plans shown to the Design Review Board on May 3, 2004 and the recommendations and conditions in this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.

#### Prior to and/or During Construction

2. Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the project planner prior to construction.

#### Prior to Issuance of the Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.
4. The owner(s) and/or responsible party(ies) shall issue an RFP for artwork, and shall install the artwork into the brickwork of the commercial façade, in accordance with the Design Review Board's recommendation.

## **CONDITIONS – SEPA**

### **Prior to Issuance of any Permit to Construct or Demolish**

5. The owner(s) and/or responsible party(ies) shall submit a statement acceptable to the DPD planner verifying that construction-related parking is to be accommodated on-site.
6. The owner(s) and/or responsible party(ies) shall submit a copy of the PSCAA “notice of intent to demolish” prior to issuance of a demolition permit.

### **During Construction**

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

7. The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays<sup>2</sup> to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner or his successor. Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon whether the owner(s) and/or responsible party(ies) provide three (3) days’ prior notice to allow DPD to evaluate the request.

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<sup>2</sup> Holidays recognized by the City of Seattle are listed on the City website, [www.seattle.gov/personnel/employees/holidays.asp](http://www.seattle.gov/personnel/employees/holidays.asp)



Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

**Table 1. Non-holiday work hours.** Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

8. Parking for construction workers shall be provided on-site as soon as is feasible.
9. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays.

Prior to Issuance of a Certificate of Occupancy and for the Life of the Project

10. The owner(s) and/or responsible party(ies) shall affix a sign adjacent to two (2) commercial parking spaces that clearly identifies required commercial parking as available to residential guests within a range of hours that includes the hours of 9 p.m. to 7 a.m., seven days a week.

Signature: \_\_\_\_\_ (signature on file) Date: September 9, 2004  
 Scott A. Ringgold, Land Use Planner  
 Department of Planning and Development  
 Land Use Services

SAR:bg

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